

AMENDED IN ASSEMBLY JULY 2, 1997

AMENDED IN SENATE MAY 8, 1997

SENATE BILL

No. 1320

Introduced by Senator Hurtt

February 28, 1997

An act to amend Section 43845 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1320, as amended, Hurtt. Parking cash-out programs.

(1) Existing law requires, in any air basin designated by the State Air Resources Board as a nonattainment area, each employer of 50 persons or more who provides a parking subsidy for employees to offer a parking cash-out program.

Existing law authorizes those programs to condition employee participation on compliance with employer guidelines designed to avoid neighborhood parking problems.

This bill would authorize those guidelines to also be designed to avoid problems related to alternative nearby parking.

(2) Existing law declares the intent of the Legislature that the cash-out requirements apply only to employers who can reduce, without penalty, paid parking spaces and instead provide the cash-out option.

This bill would delete the declaration of legislative intent and instead provide that the cash-out ~~requirement~~ *requirements* apply only to employers who can reduce,

without penalty, paid parking spaces and instead provide the cash-out option.

The bill would exempt additional employers from the cash-out requirements, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43845 of the Health and Safety
2 Code is amended to read:

3 43845. (a) In any air basin designated as a
4 nonattainment area pursuant to Section 39608, each
5 employer of 50 persons or more who provides a parking
6 subsidy to employees shall offer a parking cash-out
7 program. "Parking cash-out program" means an
8 employer-funded program under which an employer
9 offers to provide a cash allowance to an employee
10 equivalent to the parking subsidy that the employer
11 would otherwise pay to provide the employee with a
12 parking space.

13 (b) A parking cash-out program may include a
14 requirement that employee participants certify that they
15 will comply with guidelines established by the employer
16 designed to avoid neighborhood parking problems and
17 problems related to alternative nearby parking, with a
18 provision that employees not complying with the
19 guidelines will no longer be eligible for the parking
20 cash-out program.

21 (c) As used in this section, the following terms have
22 the following ~~meanings~~ meaning:

23 (1) "Employee" means an employee of an employer
24 subject to this section.

25 (2) "Parking subsidy" means the difference between
26 the out-of-pocket amount paid by an employer on a
27 regular basis to secure the availability of an employee
28 parking space not owned by the employer and the price,
29 if any, charged to an employee for the use of that space.

1 (3) “Uncontrolled parking” means parking where
2 ingress and egress is not monitored or where access is not
3 restricted.

4 (d) Subdivision (a) does not apply to any of the
5 following:

6 (1) Any employer who, on or before January 1, 1993,
7 has leased employee parking, until the expiration of that
8 lease or unless the lease permits the employer to reduce,
9 without penalty, the number of parking spaces subject to
10 the lease.

11 (2) Any employer who leases uncontrolled parking for
12 use by employees at the worksite.

13 (3) Any employer whose worksite is located within
14 one-fourth mile of free alternative parking that can be
15 readily accessed and used by employees in lieu of the
16 employer’s leased parking spaces.

17 (4) Any employer where less than 10 percent of the
18 employees have accepted the employer’s parking
19 cash-out offer.

20 (5) Any employer whose parking subsidy per parking
21 space is equivalent to eighty dollars (\$80) per month or
22 less.

23 (e) Subdivision (a) shall apply only to employers who
24 can reduce, without penalty, the number of paid parking
25 spaces they maintain for the use of their employees and
26 instead provide their employees the cash-out option
27 described in this section.

28 (f) Subdivision (a) shall not apply to any employer
29 until the Internal Revenue Code is amended to treat an
30 employee’s parking space as a qualified transportation
31 fringe benefit excluded from gross income, subject to the
32 limitation on the exclusion contained in paragraph (2) of
33 subsection (f) of Section 132 of Title 26 of the United
34 States Code, when that employee declines to accept the
35 employer’s parking cash-out offer.

36 (g) If an employer’s facility is in compliance with a
37 district regulation that provides employers with a menu
38 of options for reducing mobile source emissions, and that
39 menu includes parking cash-out, the employer shall be
40 deemed to be in compliance with subdivision (a).

1 *However, compliance with such a district regulation shall*
2 *not constitute compliance with any mandatory parking*
3 *cash-out requirement imposed by a congestion*
4 *management agency unless expressly so provided by the*
5 *congestion management agency.*

6 *(h) Notwithstanding any other provision of this*
7 *section, subdivision (a) shall apply to any employer*
8 *located in a commercial development that was granted a*
9 *reduction in parking requirements pursuant to*
10 *subdivision (d) of Section 65089 of the Government*
11 *Code.*

